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REMARKS

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[0001] Applicants would like to thank Examiner Blair and Examiner Thompson for the telephone interview held April 15, 2005 as well as follow-up discussions. In the interview, proposed amendments to the independent claims (in particular Claim 1) were discussed in relation to the primary reference Igarashi, defined below. The Examiner's comments and suggestions were useful and served as the basis for the amendments included herein.

[0002] Claims 1-20 are pending in the case. In the Office Action, claims 1-20 were rejected under 35 U.S.C. §102(e) in view of U.S. Patent No. 6,154,848 to Igarashi et al (hereinafter Igarashi). Applicants have amended Claims 1-3, 5, 7-10, and 12-15. No new matter was added. The pending claims, as amended, are believed to be in condition for allowance, and applicant respectfully requests the prompt allowance of claims 1-20.

REJECTION OF CLAIMS 1-15 UNDER 35 U.S.C. §102(e)

[0003] The Examiner rejected Claims 1-20 under 35 U.S.C. §102(e) in view of Igarashi. Applicants respectfully traverse this rejection.

[0004] It is well settled that under 35 U.S.C. §102 "an invention is anticipated if . . . all the claim limitations [are] shown in a single art prior art reference. Every element of the claimed invention must be literally present, arranged as in the claim. The identical invention must be shown in as complete detail as is contained in the patent claim." Richardson v. Suzuki Motor Co., Ltd., 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully assert that Igarashi does not teach or disclose each element of the independent claims.

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[0005] Claim 1 recites, in pertinent part:

"...the server detecting and storing at least one unpaired message ...

creating [an] unpaired message queue data structure in a server, the

unpaired message queue data structure configured to store a plurality of unpaired

messages intended for a the client; and

utilizing a protocol which allows the client to request at least one unpaired

message stored in the unpaired message queue data structure."

In particular, Claim 1 recites an unpaired message, an unpaired message queue, and

determination of unpaired messages from paired messages. Unpaired messages are

described in the specification on page 7, lines 10-11 and on page 15 line 20 – page 16 line

3.

[0006] In contrast, Igarashi teaches handling of a historical information mismatch.

Igarashi helps keep these historical information files in sync after one of the workstations

recovers from a shutdown. See Igarashi Abstract. Igarashi teaches synchronizing the

logging information of a server with the historical information of a workstation. As

illustrated in Figures 7 and 8, this is done by detecting a missing entry in the workstation

historical information. Applicants respectfully submit that record entries in a log are very

different from unpaired messages which are communication messages between a client

and a server.

[0007] Record entries are static structures used for historical comparison and

logging purposes. Unpaired messages are responses to communication requests. The

unpaired messages may be to acknowledge a request, provide a result, or the like. The

unpaired messages are communication messages that are part of a communication session

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that has been interrupted or intentionally routed the response to a different recipient. The unpaired messages represent one-half of a request-response exchange, the response half, between the server and the client. Unpaired messages are uniquely addressed to a particular client, usually the client that sent the initial request.

[0008] Applicants acknowledge that Claim 1 could be clarified to further define unpaired messages. Therefore, Applicants have amended Claim 1, the other independents, and dependents to do so. Specifically, amended Claim 1 recites "storing at least one unpaired message...in an unpaired message queue, the at least one unpaired message comprising a communication response for a specific client, the server distinguishing the at least one unpaired message from a paired message in response to a communication disruption between the client and the server."

[0009] Thus, amended Claim 1 recites what the unpaired messages are stored in, an unpaired message queue. Applicants have found no unpaired message queue or its equivalent in Igarashi. Amended Claim 1 also clarifies that the unpaired message is a communication message rather than a log record as taught in Igarashi. Furthermore, amended Claim 1 recites that unpaired messages are distinguished from paired messages in response to a communication disruption. This amendment clarifies how the present invention operates and clearly distinguishes the operation of the present invention over Igarashi.

[0010] In addition, amended Claim 15 recites an unpaired message module. The unpaired message module includes similar features and distinctions that have been added to Claim 1. Applicants have found no unpaired message module or its equivalent in Igarashi. Applicants respectfully assert that Igarashi fails to teach each element of

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amended Claim 15. However, in order to expedite prosecution, Applicants are submitting these amendments to further clarify the distinctions between the present invention and Igarashi as well as the other art of record.

[0011] In the event any questions remain, the Examiner is respectfully requested to initiate a telephone conference with the undersigned.

Respectfully submitted,

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